

REMARKS

In view of the above amendments, Applicant requests reconsideration of the pending application.

I. Status of the Claims

Claims 3-5 and 37 have been amended and no new matter has been added.

Claims 1, 2, 21, 22, 27, 28, 33, 34, 38, and 39 have been canceled without prejudice or disclaimer of the subject matter therein.

Claims 3 and 4 have been amended into independent form.

Claims 3-20, 23-26, 29-32, 35-37, and 40-43 are currently pending.

II. Allowable Subject Matter

Applicant thanks the Examiner for the acknowledgment of allowable subject matter in claims 4 and 6-20. The claims are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 4 has been amended and is now in independent form. Further, claim 5, from which claims 6-20 directly or indirectly depend, has been amended to overcome indefiniteness and is also in condition for allowance. No new matter has been added.

III. Rejections Under 35 U.S.C. § 112

Claims 5 and 37 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claim 5 to state "removing" in lieu of "remoing." Applicant has also

amended claim 37 to contain an end period. Applicant submits that the claims are now definite and respectfully requests that the rejections be withdrawn.

IV. Rejections Under 35 U.S.C. § 102

Claims 1-3 and 33-37 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 2001-72687 ("JP '687"). Applicant has canceled claims 1, 2, 33, and 34, rendering the rejections to these claims moot. Claim 3, which has been amended into independent form with no new matter added, is limited to an organometallic compound containing Hf, while JP '687 fails to teach Hf as a metal atom and thus does not anticipate claim 3. Further, claim 35, which depends from claim 3, is not anticipated by JP '687. Claim 36 depends from claim 5, which has been amended to overcome indefiniteness but which itself is not rejected as being anticipated by JP '687. Similarly, claim 37, which has been amended to overcome indefiniteness, depends from claim 6, which is not rejected as being anticipated by JP '687. Applicant respectfully submits that claims 3 and 35-37 are not anticipated by JP '687 and requests that the rejections to these claims be withdrawn.

V. Rejections Under 35 U.S.C. § 103

Claims 21-32 and 38-43 are rejected under 35 U.S.C. § 103(a) as unpatentable over JP ‘687 in view of a publication by Senzaki et al.¹ Applicant has canceled claims 21, 22, 27, 28, 38, and 39, rendering the rejections to these claims moot. Claims 23, 29, and 40 depend directly or indirectly from claim 3, which, as discussed above, is not anticipated by JP ‘687. Claims 24, 30, and 41 depend directly or indirectly from claim 4, which has been amended into independent form with no

new matter added but which is not otherwise rejected. Claims 25, 31, and 42 depend directly or indirectly from claim 5, which has been amended to overcome indefiniteness but which is not otherwise rejected. Claims 26, 32, and 43 depend directly or indirectly from claim 6, which in turn depends from claim 5 and which is not otherwise rejected. Applicant respectfully submits that JP '687 and Senzaki, alone or in combination, do not teach or suggest all the elements of the claims. Thus, claims 23-26, 29-32, and 40-43 are patentable over the references. Applicant respectfully requests that the rejections to these claims be withdrawn.

¹ Senzaki et al., *Advanced Materials for Optics and Electronics*, Vol. 10, No. 3-5, pp. 93-103 (2000), Chemical Abstracts No. 134:93473.


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

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